

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 03/09/2023

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TREVOR FORREST,

Plaintiff,

-v-

CITY OF NEW YORK, WARDEN RENEE, and
CAPTAIN CARTER,

Defendants.
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21-cv-10152 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On February 1, 2023, Magistrate Judge Barbara Moses issued a Report and Recommendation recommending that the Court grant in part Defendants' motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 56. Magistrate Judge Moses advised the parties that they had fourteen (14) days to file written objections to the Report and Recommendation, and, as of March 8, 2023, no such objections have been filed.

In reviewing a Magistrate Judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties are given the opportunity to raise timely objections to the report and recommendation within fourteen (14) days. *Id.* The Court reviews any portion of the report subject to an objection *de novo*; however, in the absence of any objection, the Court reviews the report and recommendation only for clear error. Fed. R. Civ. P. 72(b) Advisory Committee Notes; *Colvin v. Berryhill*, 734 F. App'x 756, 758 (2d Cir. 2018).

The Court has reviewed the record and the Report and Recommendation for clear error and, finding none, hereby ORDERS that the Report and Recommendation is ADOPTED in its

entirety and GRANTS IN PART Defendants' motion to dismiss. All of Plaintiff's claims against the City of New York, as well as his claims based on the individual defendants' alleged refusal to allow him to attend congregate religious services or visit the health clinic, are DISMISSED.

However, the motion is DENIED as to Plaintiff's 28 U.S.C. § 1983 and Religious Land Use and Institutionalized Persons Act claims against defendants Warden Renee and Captain Carter insofar as (i) those claims are based on these defendants' alleged refusal to bring an imam to his cell for religious instruction, counseling, and prayer, and (ii) Plaintiff seeks injunctive relief rather than damages.

The Clerk of Court is respectfully directed to close Dkt. No. 25.

SO ORDERED.

Dated: March 9, 2023
New York, New York

A handwritten signature in dark ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge